

**REMARKS**

Claims 1-9, 13-21 and 25-34 are all the claims presently pending in this application. Claims 1, 3, 13 and 15 have been amended to more particularly define the claimed invention. Claims 10-12 and 22-24 have been canceled. Claims 33 and 34 have been added.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Applicant gratefully acknowledges the Examiner's indication that claims 25 and 26 would be allowable if the alleged informalities are addressed. Applicant notes that claims 25 has been amended to address the Examiner's concerns. Therefore, claim 25 is allowable. Further, Applicant respectfully submits that all of the claims are allowable.

Claims 1-3, 13-15, 25 and 26 stand rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Applicant notes, however, that claims 1, 13 and 25 have been amended to delete the limitation which was the subject of the Examiner's rejection. Therefore, these claims are clearly defined and the Examiner is respectfully requested to withdraw this rejection.

Claims 1-3 and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Oberg et al. (US 2005/0084262).

This rejection is respectfully traversed in view of the following discussion.

**I. THE CLAIMED INVENTION**

An exemplary aspect of the claimed invention (e.g., as recited in claim 1), is directed to a communication node including an optical signal transceiver having at least one optical signal transmitting device and at least one optical signal receiving device to transmit and receive an optical signal to and from an opposite communication node, at least one optical signal transmitting communication line to transmit an optical signal to the opposite communication node, and at least one optical signal receiving communication line to receive an optical signal from the opposite communication node.

Importantly, the node also includes a switching device including a first multiplexing and demultiplexing device including a first bi-directional port connected to the optical signal transmitting communication line, and a second multiplexing and demultiplexing device including a second bi-directional port connected to the optical signal receiving communication line, and a first optical switch which selects one of the first and second multiplexing and demultiplexing devices to be connected to the optical signal transmitting device, and a second optical switch which selects one of the first and second multiplexing and demultiplexing devices to be connected to the optical signal receiving device (Application at Figures 1 and 2A-2C; page 23, line 21-page 28, line 17).

The switching device is connected to the optical signal transmitting device and to the optical signal receiving device to transmit, when no failure has occurred in the optical signal transmitting communication line and in the optical signal receiving communication line, an optical signal fed from the optical signal transmitting device to the optical signal transmitting communication line and to transmit an optical signal fed from the optical signal receiving communication line to the optical signal receiving device.

Further, when a failure has occurred in the optical signal transmitting communication line, the switching device switches such that the optical signal fed from the optical signal transmitting device is transmitted via the second bi-directional port to the optical signal receiving communication line, and when a failure has occurred in the optical signal receiving communication line, the switching device switches such that the optical signal to be fed to the optical signal receiving device is received via the first bi-directional port from the optical signal transmitting communication line.

## II. THE ALLEGED PRIOR ART REFERENCE

The Examiner alleges that Oberg makes obvious the invention of claims 1-3 and 13-15. Applicant submits, however, that there are features of the claimed invention that are not taught or suggested by Oberg.

In particular, Applicant submits that Oberg does not teach or suggest a switching device including "*a first multiplexing and demultiplexing device including a first bi-directional port connected to said optical signal transmitting communication line, and a second multiplexing and demultiplexing device including a second bi-directional port connected to said optical signal*

*receiving communication line; and a first optical switch which selects one of said first and second multiplexing and demultiplexing devices to be connected to said optical signal transmitting device, and a second optical switch which selects one of said first and second multiplexing and demultiplexing devices to be connected to said optical signal receiving device",* as recited, for example, in claim 1 (Application at Figures 1 and 2A-2C; page 23, line 21-page 28, line 17).

Clearly, these features are not taught or suggested by Oberg.

Indeed, the Examiner attempts to equate the 2x2 cross-bar switch 33 in Oberg with the switching device of the claimed invention. This is completely unreasonable.

In fact, Oberg teaches that in node B, the 2x2 switch 33 is connected to Node A via the optical fiber segments 1a and 1b, and is connected to the power monitor 37 which monitors the "protection path", and connected to the combiner splitter element 45 (Oberg at Figure 1). Oberg teaches simply that if "the 2x2 switch 33 is normally in bar state the left fiber segment 1a is used as the working path and the right segment 1b is used as the protection path. In the case of a fiber break on the left segment the switch changes to the cross state and the communication is restored to instead be carried on the right fiber segment 1b" (Oberg at [0081]).

That is, nowhere does Oberg teach or suggest that the 2x2 switch 33 includes including a first multiplexing and demultiplexing device including a first bi-directional port connected to the optical signal transmitting communication line, and a second multiplexing and demultiplexing device including a second bi-directional port connected to the optical signal receiving communication line, and a first optical switch which selects one of the first and second multiplexing and demultiplexing devices to be connected to the optical signal transmitting device, and a second optical switch which selects one of the first and second multiplexing and demultiplexing devices to be connected to the optical signal receiving device, as in the claimed invention.

Therefore, Applicant respectfully subjects that there are features of the claimed invention that are not taught or suggested by Oberg. Therefore, the Examiner is respectfully requested to withdraw this rejection.

**III. FORMAL MATTERS AND CONCLUSION**

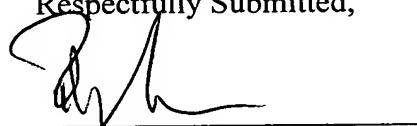
In view of the foregoing, Applicant submits that claims 1-9, 13-21 and 25-34, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 3/18/09

Respectfully Submitted,



Phillip E. Miller, Esq.  
Reg. No. 46,060

**McGinn Intellectual Property Law Group, PLLC**  
8321 Old Courthouse Rd., Suite 200  
Vienna, Virginia 22182  
(703) 761-4100  
**Customer No. 21254**